



DEPARTMENT ORDER NO. DO2023-04-0012

CREATION OF THE SPECIAL BIDS AND AWARDS COMMITTEE PURSUANT TO SECTIONS 10 AND 11 OF DEPARTMENT CIRCULAR NO. DC2022-05-0017

WHEREAS, Republic Act (RA) No. 9136 or the Electric Power Industry Reform Act of 2001 (EPIRA) declares the policy of the State to ensure and accelerate the total electrification of the country and ensure the quality, reliability, and affordability of the supply of electric power;

WHEREAS, on 21 January 2022, RA 11646, titled "*The Act Promoting the Use of Microgrid Systems to Accelerate the Total Electrification of Unserved and Underserved Areas Nationwide*", was signed by then President Rodrigo R. Duterte and took effect on 09 February 2022;

WHEREAS, on 24 May 2022, the Department of Energy (DOE) issued Department Circular (DC) No. DC2022-05-0017, titled "*Rules and Regulations to Implement Republic Act No. 11646 (Microgrid Systems Act)*" or the MGSA-IRR, which took effect on 25 June 2022;

WHEREAS, Sections 10 and 13 of the MGSA-IRR mandate the DOE to be the primary entity to conduct the Competitive Selection Process (CSP) for Microgrid System Provider (MGSP) in DOE-declared unserved and underserved areas;

NOW, THEREFORE, in consideration of the foregoing, the DOE hereby promulgates and adopts the following:

SECTION 1. CREATION AND COMPOSITION OF THE DOE SPECIAL BIDS AND AWARDS COMMITTEE FOR MGSP (MGSP-SBAC)

The MGSP-SBAC is hereby created which shall spearhead and administer the conduct of CSP for MGSP in DOE-declared unserved and underserved areas.

The MGSP-SBAC shall be composed of the following:

- Chairman : Designated DOE BAC Chairperson
- Vice-Chairperson : Designated DOE BAC Vice-Chairperson
- Members : Director, Finance Services (FS)
Director, Legal Services (LS)
Director, Electric Power Industry Management Bureau (EPIMB)

SECTION 2. RESPONSIBILITIES OF THE MGSP-SBAC

Under the direct supervision of the DOE Secretary, the MGSP-SBAC shall perform the following functions and responsibilities:

- 2.1 Creation of the Technical Working Group (TWG) from a pool of technical, financial, and/or legal experts to assist in the procurement process;
- 2.2 Undertake the advertisement and/or posting of the invitation to bid/request for expression of interest;
- 2.3 Conduct pre-procurement and pre-bid conferences;
- 2.4 Receive and open bids;
- 2.5 Determine the eligibility of prospective bidders;
- 2.6 Conduct the evaluation of bids with the assistance of the TWG;
- 2.7 Undertake post-qualification proceedings with the assistance of the TWG;
- 2.8 Resolve motions for reconsideration filed by prospective bidders and other concerned parties with respect to the conduct of the bidding process;
- 2.9 Recommend the award of contracts to the Secretary or its duly authorized representative; and
- 2.10 Perform such other related functions as may be necessary and in accordance with existing laws, rules, and regulations.

SECTION 3. CREATION OF THE MGSP-SBAC TWG AND SECRETARIAT

The MGSP-SBAC shall be supported by a TWG with the following composition:

- Head : Designated DOE BAC-TWG
- Members : Assistant Director, EPIMB
: Chief, Rural Electrification Administration and Management Division, EPIMB
: Representative, Renewable Energy Management Bureau
: Representative, Power Legal Services Division, LS
: Representative, Power Compliance Division, FS
: Representative, National Electrification Administration (NEA)
: Representative, National Power Corporation (NPC)
- TWG : DOE, NPC and NEA
(Permanent employee with technical, legal and financial background)
- Secretariat : DOE EPIMB - REAMD and representative from Procurement Management Division

Representatives from other government agencies may be invited as resource persons, upon request of the MGSP-SBAC.

SECTION 4. RESPONSIBILITIES OF THE SBAC-TWG AND SECRETARIAT

- 4.1. The TWG shall provide technical support to the MGSP-SBAC and shall likewise perform the following responsibilities:
 - 4.1.1 Assist the MGSP-SBAC in the development of the Terms of Reference and the Microgrid System Service Contract template;

- 4.1.2 Conduct evaluation of bids and post-qualification activities and the necessary reports relative thereto;
 - 4.1.3 Assist the SBAC in the preparation of the resolution on the request for reconsideration; and
 - 4.1.4 Perform other related functions as may be necessary and appropriate to accomplish the foregoing and/or as may be authorized by the MGSP-SBAC.
- 4.2 The Secretariat shall provide administrative support to the MGSP-SBAC and shall concurrently perform the following responsibilities:
- 4.2.1 Organize and make the necessary arrangements for MGSP-SBAC and MGSP TWG meetings and conferences;
 - 4.2.2 Prepare minutes of the meetings;
 - 4.2.3 Maintain custody of procurement documents and unedited video recordings of the Bid Opening proceedings;
 - 4.2.4 Manage the sale and distribution of Bidding Documents;
 - 4.2.5 Advertise and/or post bidding opportunities, including the Bidding Documents and notices of awards;
 - 4.2.6 Assist in the management of procurement processes/activities.
 - 4.2.7 Monitor procurement activities and milestones for proper reporting to relevant agencies when required; and
 - 4.2.8 Perform other related functions as may be necessary and appropriate to accomplish the foregoing and/or as may be authorized by the MGSP-SBAC

SECTION 5. FUNDING


The budgetary requirements for the implementation of this Department Order (DO) shall be sourced from the electrification program of the approved budgets of the DOE, subject to the usual government accounting and auditing rules and regulations.

SECTION 6. SEPARABILITY CLAUSE

If any portion or provision of this DO is declared unconstitutional, the same shall not affect the validity or the legality of the other provisions.

SECTION 7. EFFECTIVITY

This DO shall take effect immediately upon its issuance and shall remain in full force and effect until sooner modified or revoked in writing by the Secretary.


RAPHAEL P. M. LOTILLA
Secretary

APR 12 2023

